

Entered - 02/16/99 - sb
CL99L0082 - DIANNE C. MITCHELL

CLAIM OF: KING TWO ENTERPRISES, INC.,
through its attorney,
Matthew D. Crosby
1800 Century Boulevard
Suite 1150
Atlanta, Georgia 30345

00- R -1609

For damages alleged to have been sustained as a result of the demolition
of property at 1686 Cecile Avenue, SE on November 11, 1998.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0082

Date: September 21, 2000

Claimant /Victim KING TWO ENTERPRISES, INC.

BY: (Atty) Matthew D. Crosby

Address: 1800 Century Boulevard, Suite 1150, Atlanta, Georgia 30345

Subrogation: _____ Claim for Property damage \$ 30,000.00 Bodily Injury \$ _____

Date of Notice: 02/05/99 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/11/98 Place: 1686 Cecile Avenue, SE

Department Planning, Development and Neighborhood Conservation Division: Housing Demolition

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was wrongfully demolished by the City. The claimant has rejected the City's settlement offer and has filed a lawsuit to resolve the issues raised in this claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable

City not involved _____ Offer rejected X Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse ☒ Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 04-21-08

Committee Action: _____ Council Action _____

DAVID U. CROSBY & ASSOCIATES
ATTORNEYS AT LAW

Mitchell
02/15/99
De

DAVID U. CROSBY

MATTHEW D. CROSBY

1800 CENTURY BOULEVARD
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02-05-99F04:09 RCVD

February 3, 1999

ENTERED - 2-16-99 - SB
99L0082 - DIANNE MITCHELL

Ms. Diane Mitchell
Atlanta City Council
Attention: Municipal Clerk
55 Trinity Avenue
Atlanta, Georgia 30335

RE: *King Two Enterprises, Inc., -vs- City of Atlanta.*
Demolition of 1686 Cecile Avenue, Atlanta, GA 30032.

Dear Ms. Mitchell:

Please be advised that this office has been retained by Mr. Nathaniel Solomon, President of King Two Enterprises, Inc., (hereinafter "King Two") in the above-referenced matter. The purpose of this letter is to officially notify you of King Two's claim against the City of Atlanta, pursuant to O.C.G.A. § 36-33-5.

King Two Enterprises, Inc., purchased the above-referenced property on February 2, 1998 from a Ms. Theresa Gurley. The property had been damaged in a fire before King Two purchased it, but still remained structurally sound.

In the next seven (7) months from this purchase date, King Two began preparing to renovate the house by removing burned debris, thoroughly cleaning the premises, and preparing written blueprints of intended repairs that were to be completed on the house.

On November 11, 1998, the City of Atlanta completely demolished the house located at 1686 Cecile Avenue, City of Atlanta, DeKalb County, Georgia 30032 without notifying King Two, the record owner. The City of Atlanta was negligent in failing to provide proper notice of this demolition and such negligence has caused King Two injury in the amount of \$35,000, which is approximately the fair-market value of the house at time of demolition.

Specifically, the City of Atlanta did not comply with the notice requirements of O.C.G.A. § 41-2-12 (f) when it failed to file a notice of lis pendens with the Clerk of the Superior Court in DeKalb County, Georgia with regards to the above-referenced property. This failure to comply on the part of the City of Atlanta was both the actual and proximate cause of King Two's injury.

Accordingly, King Two is entitled to recover damages resulting from the City of Atlanta's

Ms. Diane Mitchell
February 3, 1999
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negligence, including, but not limited to the fair-market value of the house at the time of demolition and all costs of this action, including reasonable attorney's fees.

Upon receipt of this notice, you have thirty (30) days to consider and act upon this claim pursuant to O.C.G.A. § 36-33-5 (c).

Please guide yourself accordingly,

A handwritten signature in black ink, appearing to read "Matthew D. Crosby". The signature is stylized with a large, looping "C" at the end.

Matthew D. Crosby
Attorney at Law

cc: Nathaniel Solomon

00- -1609